

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

MELVIN LOWE,

Plaintiff/Petitioner,

vs.

**MONTGOMERY COUNTY BOARD
OF EDUCATION; VICKIE JERNIGAN,
MARK LaBRANCHE, TOMMIE
MILLER, MARY BRIERS, DAVE
BORDEN, HENRY A. SPEARS and
BEVERLY ROSS, in their official
capacities as members of the
Montgomery County Board of Education;**
**and Dr. CARLINDA PURCELL, in her
official capacity as Superintendent of the
Montgomery County Board of
Education,**

Defendant/Respondent.

CIVIL ACTION NO: 2:05-CV-0495

PLAINTIFF MELVIN LOWE'S EXHIBIT LIST

Plaintiff may offer any exhibit identified herein, or display it through electronic means or by transparency or computerized image. Plaintiff may also use only excerpts or portions of the exhibit identified.

	EXHIBIT	FOR IDENTIFICATION ONLY	ADMITTED IN EVIDENCE
1.	Melvin Lowe's Resume and Certification (MCBOE's Initial Disclosures, Bates Nos. 0078-79, Exhibit 2 to Defendants' Brief in Support of its Motion for Summary Judgment)		

2.	Lowe's Evaluations by James Owens 2000-2002 (Exhibit "C" to Plaintiff's Response to Summary Judgment)		
3.	August 3, 2004, Letter to EEOC (Exhibit "I")		
4.	Pam Cloud's Complaint and Lawsuit against the MCBOE (Exhibit "J" to Plaintiff's Response to Summary Judgment)		
5.	Investigative File re: Melvin Lowe (Exhibit "F" to Plaintiff's Response to Summary Judgment)		
6.	Melvin Lowe's EEOC Complaint, Addendum to EEOC Complaint and Right to Sue Letter (Exhibits "I" and "L" to Plaintiff's Response to Summary Judgment)		
7.	Email between Melvin Lowe and Michael Looney re: Professional Leave Request (Exhibit "N" to Plaintiff's Response to Summary Judgment)		
8.	Email between Jimmy Barker and Melvin Lowe re: Professional Leave Request (Exhibit "M" to Plaintiff's Response to Summary Judgment)		
9.	Melvin Lowe's Request for Professional Leave, October 2004 (Exhibit "P" to Plaintiff's Response to Summary Judgment)		
10.	Melvin Lowe's Request for Professional Leave, February 2005 (Exhibit "O" to Plaintiff's Response to Summary Judgment)		
11.	December 3, 2004, Email to Superintendent Purcell from Melvin Lowe (Exhibit "Q" to Plaintiff's Response to Summary Judgment)		
12.	February 16, 2005, Email to Superintendent Purcell from Melvin Lowe, Exhibit 4 to Deposition of Dr. Purcell & Mr. Barker (MCBOE Initial Disclosures Bates No. 0134)		

13.	June 22, 2005, Email to Superintendent Purcell from Melvin Lowe (Exhibit 5 to Deposition of Dr. Purcell & Mr. Barker)		
14.	June 22, 2005, Email from Melvin Lowe, to and response from Jimmy Barker (Exhibit "T" to Plaintiff's Response to Summary Judgment)		
15.	Emails and letter from Melvin Lowe expressing interest in positions w/the MCBOE (Exhibit "U" to Plaintiff's Response to Summary Judgment)		
16.	Board's List of Persons Approved for Hire (Exhibit "Z" to Plaintiff's Response to Summary Judgment)		
17.	Melvin Lowe's Personnel File (MCBOE Initial Disclosures, Bates Nos. 0001-0142)		
18.	EEOC File (MCBOE Initial Disclosures, Bates No. 0150-0232)		
19.	Board Minutes & Personnel Reports (MCBOE 30(b)(5) Disclosures, Bates Nos. 233-1285)		
20.	Email and/or Correspondence pertaining or related to Melvin Lowe (MCBOE 30(b)(5) Disclosures, Bates Nos. 1286-1317)		
21.	Job Postings, Descriptions and Successful Applicant Information, (MCBOE 30(b)(5) Disclosures, Bates Nos. 1318-1509)		
22.	Daisy Lawrence Teacher Roster and Handbook (MCBOE 30(b)(5) Disclosures, Bates Nos. 1510-1530)		
23.	Rehire Information Relating to the Non-Tenured Individuals who were successfully placed following the closing of Daisy Lawrence School (MCBOE 30(b)(5) Disclosures, Bates Nos. 1531-1539)		

24.	Information Pertaining to the Difference between the classifications of Reading Coach and Teacher-Tutor (MCBOE 30(b)(5) Disclosures, Bates Nos. 1540-1548)		
25.	Documents Pertaining to Melvin Lowe's Request for Professional Leave and Denial Thereof (MCBOE 30(b)(5) Disclosures, Bates Nos. 1549-53)		
26.	Southlawn Middle School Investigative File (MCBOE 30(b)(5) Disclosures, Bates Nos. 1554-1581)		
27.	Board Policies and Organizational Chart (MCBOE 30(b)(5) Disclosures, Bates Nos. 1582-1600)		
28.	Materials given to Owens by Lowe in 2005 Interview (AEA/Lowe Bates Nos. 00534-559)		
29.	Unsolicited Documents sent to Owens via School Mail (AEA/Lowe Bates Nos. 00678-683)		
30.	Letter from Attorney Patty to Attorney Seale regarding possible retaliation against Melvin Lowe (Exhibit "Y" to Plaintiff's Response to Summary Judgment)		
31.	Information pertaining to Positions sought by Lowe in 2006 (AEA/Lowe Bates Nos. 00655-668)		
32.	Professional Certificates of Administrative Assistants (Exhibits 35-84 of Defendants' Brief in Support of Summary Judgment)		
33.	Certified Notice of Service of Process of Complaint (Exhibit "K" to Plaintiff's Response to Summary Judgment)		
34.	Information Pertaining to Positions Sought by Lowe in 2004 (Exhibit "U" to Plaintiff's Response to Summary Judgment)		

35.	Emails, Letters and Fax Confirmations whereby Lowe expressed interest in posted and/or available positions in 2004, 2005 and 2006		
43.	Board's Hiring Policy regarding principals, teachers and other board positions (MCBOE 30(b)(5) Disclosures, Bates Nos. 1601-1604)		
44.	Information Pertaining to Other Cases filed against Montgomery County Board of Education (MCBOE 30(b)(5) Disclosures, Bates Nos. 1605-1775)		
45.	Letter of Recommendation from Dr. James Owens (Lowe's Initial Disclosures, Bates No. 219)		
46.	Non-Renewal of Melvin Lowe dated 05/15/05 (Lowe's Initial Disclosures, Bates No. 200)		
47.	Personnel Change Forms (MCBOE's Initial Disclosures, Bates Nos. 0060, 0064, 0069)		
48.	Letter of Appointment (MCBOE's Initial Disclosures, Bates No. 0061).		
49.	Emails Received by Lowe Addressed to Reading Coaches (Lowe's Supplemental Disclosures, Bates Nos. 00662-654)		
50.	Exhibit 1 to Deposition of Dr. Purcell & Mr. Barker, Series of Emails Concerning Mr. Lowe and the National School Reform Conference		
51.	Exhibit 2 to Deposition of Dr. Purcell & Mr. Barker, 01/24/2005 Response Letter from Purcell to Lowe		
52.	Exhibit 3 to Deposition of Dr. Purcell & Mr. Barker, 02/04/05 Letter from Lowe to Purcell		
53.	Exhibit 7 to Deposition of Dr. Purcell & Mr. Barker, Professional Development Plan for Melvin Lowe		

54.	Exhibit 8 to Deposition of Dr. Purcell & Mr. Barker, Investigation File on Southlawn Matter		
55.	Exhibit 9 to Deposition of Dr. Purcell & Mr. Barker, Collection of Lowe's PEPE Evaluations		
56.	Exhibit 10 to Deposition of Dr. Purcell & Mr. Barker, Rehire Document for Lowe for Daisy Lawrence School		
57.	Exhibit 11 to Deposition of Dr. Purcell & Mr. Barker, Salary Step Correction for Lowe		
58.	Exhibit 12 to Deposition of Dr. Purcell & Mr. Barker, Non-renewal Form Dated 05/13/05 for Lowe		
59.	Exhibit 13 to Deposition of Dr. Purcell & Mr. Barker, Request for Professional Leave/Detached Duty Forms		
60.	Exhibit 14 to Deposition of Dr. Purcell & Mr. Barker, Cleared List of Applicants for Consideration for Positions		
61.	Exhibit 15 to Deposition of Dr. Purcell & Mr. Barker, Collective Exhibit of Position Announcements		
62.	Exhibit 1 to Deposition of Melvin Lowe, MPS Personnel Change Form (Bates No. AEA/Lowe 00383)		
63.	Exhibit 2 to Deposition of Melvin Lowe, Letters from Lowe from Barker (Bates Nos. AEA/Lowe 00378-379, 02/22/02 and 03/18/02)		
64.	Exhibit 3 to Deposition of Melvin Lowe, Letters from Barker to Lowe regarding Letter of Reprimand, (Bates Nos. AEA/Lowe 00336, 00362-363, 00386, 02/21/02 and 03/18/02)		

65.	Exhibit 4 to Deposition of Melvin Lowe, MPS Personnel Change Form (Bates Nos. AEA/Lowe 00375)		
66.	Exhibit 5 to Deposition of Melvin Lowe, 08/02/04 Letter to the EEOC		
67.	Exhibit 6 to Deposition of Melvin Lowe, Letter from Lowe (Bates Nos. AEA/Lowe 00050-54, 08/03/04)		
68.	Exhibit 7 to Deposition of Melvin Lowe, Addendum - Complaint of Employment Discrimination (Bates Nos. AEA/Lowe 00055-62)		
69.	Exhibit 8 to Deposition of Melvin Lowe, Charge of Discrimination (Bates Nos. AEA/Lowe 00114, 10/14/04)		
70.	Exhibit 9 to Deposition of Melvin Lowe, Letter to Mrs. Vanessa B. Hannah at U.S. Equal Employment Opportunity Commission from Lowe (Bates Nos. AEA/Lowe 00115, 01/14/04)		
71.	Exhibit 10 to Deposition of Melvin Lowe, Charge of Discrimination (Bates Nos. AEA/Lowe 00131-132, 11/12/04)		
72.	Exhibit 11 to Deposition of Melvin Lowe, Dismissal and Right to Sue Letters		
73.	Exhibit 12 to Deposition of Melvin Lowe, Highly Qualified Application (Bates Nos. AEA/Lowe 00388-391)		
74.	Exhibit 13 to Deposition of Melvin Lowe, Letter to Lowe from Clinton Carter (Bates Nos. AEA/Lowe 00371, 05/27/02)		
75.	Exhibit 14 to Deposition of Melvin Lowe, 06/03/02 Letter from Barker to Lowe (Bates Nos. AEA/Lowe 00316)		

76.	Exhibit 15 to Deposition of Melvin Lowe, 05/19/04 Letter to Lowe from Clinton Carter (Bates Nos. AEA/Lowe 00368)		
77.	Exhibit 16 to Deposition of Melvin Lowe, 05/19/04 Letter to Barker from Lowe (Bates Nos. AEA/Lowe 00411)		
78.	Exhibit 17 to Deposition of Melvin Lowe, 06/23/04 Email to Barker and Hicks from Lowe (Bates Nos. AEA/Lowe 00410)		
79.	Exhibit 18 to Deposition of Melvin Lowe, 08/17/04 Letter to Lowe from Barker (Bates Nos. AEA/Lowe 00374)		
80.	Exhibit 19 to Deposition of Melvin Lowe, 06/22/05 Email to Purcell from Lowe (Bates Nos. AEA/Lowe 00217)		
81.	Exhibit 20 to Deposition of Melvin Lowe, 06/22/05 Email to Barker and Purcell from Lowe (Bates Nos. AEA/Lowe 00216)		
82.	Exhibit 21 to Deposition of Melvin Lowe, Letter of Recommendation from Owens (Bates Nos. AEA/Lowe 00219)		
83.	Exhibit 22 to Deposition of Melvin Lowe, 06/26/05 Letter from Lowe to Barker (Bates Nos. AEA/Lowe 00255)		
84.	Exhibit 23 to Deposition of Melvin Lowe, 07/29/05 Letter from Lowe to Barker (Bates Nos. AEA/Lowe 00302)		
85.	Exhibit 24 to Deposition of Melvin Lowe, 08/09/05 Letter from Barker to Lowe (Bates Nos. AEA/Lowe 00309)		
86.	Exhibit 25 to Deposition of Melvin Lowe, 08/25/05 Letter to Owens from Lowe (Bates Nos. AEA/Lowe 00419-420)		
87.	Exhibit 26 to Deposition of Melvin Lowe, Composite Exhibit		

88.	Exhibit 27 to Deposition of Melvin Lowe, (Bates Nos. AEA/Lowe 00241-294, Composite Exhibit)		
89.	Exhibit 28 to Deposition of Melvin Lowe, 06/23/05 Email from Barker to Lowe (Bates Nos. AEA/Lowe 00220)		
90.	Exhibit 29 to Deposition of Melvin Lowe, 06/23/05 Email from Purcell to Lowe (Bates Nos. AEA/Lowe 00221)		
91.	Exhibit 30 to Deposition of Melvin Lowe, Composite Exhibit		
92.	Exhibit 31 to Deposition of Melvin Lowe, Composite Exhibit		
93.	Exhibit 32 to Deposition of Melvin Lowe, Composite Exhibit		
94.	Exhibit 33 to Deposition of Melvin Lowe, National School Reform Conference Plan for Presenting (Bates Nos. AEA/Lowe 00151-152)		
95.	Exhibit 34 to Deposition of Melvin Lowe, (ates Nos. AEA/Lowe 00434-440)		
96.	Exhibit 35 to Deposition of Melvin Lowe, (Bates Nos. AEA/Lowe 00423-433)		
97.	Exhibit 36 to Deposition of Melvin Lowe, (Bates Nos. AEA/Lowe 00156-159)		
98.	Exhibit 37 to Deposition of Melvin Lowe, 12/03/04 Email to Lowe from Looney and 12/03/04 Email to Lowe from Harwood (Bates Nos. AEA/Lowe 00146-147)		
99.	Exhibit 38 to Deposition of Melvin Lowe, 12/03/04 Email to Purcell from Lowe, 12/03/04 Email to Harwood from Lowe, 12/03/04 to Lowe from Purcell (Bates Nos. AEA/Lowe 00148-150)		

100.	Exhibit 39 to Deposition of Melvin Lowe, Composite Exhibit		
101.	Exhibit 40 to Deposition of Melvin Lowe, Composite Exhibit		
102.	Exhibit 41 to Deposition of Melvin Lowe, Resumes		
103.	Exhibit 42 to Deposition of Melvin Lowe, 311, Professional Educator Certificates (Bates Nos. AEA/Lowe 0014-15)		
104.	Exhibit 43 to Deposition of Melvin Lowe, 02/04/05 Letter to Purcell from Lowe		
105.	Exhibit 44 to Deposition of Melvin Lowe, 02/16/05 Letter to Purcell from Lowe		
106.	Exhibit 45 to Deposition of Melvin Lowe, 04/16/05 Letter to Purcell from Lowe		
107.	Exhibit 46 to Deposition of Melvin Lowe, 04/10/05 Letter to Purcell from Lowe		
108.	Exhibit 47 to Deposition of Melvin Lowe, Personnel File of Lowe		
109.	Listing home for sale, AEA/Lowe Bates No. 00441		
110.	Applications for Employment, Composite Exhibit, (AEA/Lowe Bates Nos. 00442-460)		
111.	Education Specialist General Register, (AEA/Lowe Bates No. 00461)		
112.	District Resource Officer Application, (AEA/Lowe Bates No. 00462)		
113.	Interview Requests, July 2005, AEA/Lowe (Bates Nos. 00463-465)		
114.	Correspondence with Quesha Starks (AEA/Lowe Bates Nos. 00466-467)		
115.	Applications 2005 Positions, Letters of Interest (AEA/Lowe Bates Nos. 00468-531)		

116.	Fax to David Sikes (AEA/Lowe Bates No. 00532)		
117.	July 11, 2005, Email to Barker from Lowe, (AEA/Lowe Bates No. 00533)		
118.	Lowe's Submittal to Board on 06/02/05 (AEA/Lowe Bates No.00561-565)		
119.	Fax and Email Transmittals of Letters of Interest from Lowe (AEA/Lowe Bates No.00566-616)		
120.	Collection Letter - Dillard's Account, (AEA/Lowe Bates Nos. 00617-621)		
121.	Statement from Deer Creek Homeowner's Association (AEA/Lowe Bates No. 0669)		
122.	Billing Invoice from Nova Southeastern University, (AEA/Lowe Bates No. 0670)		
123.	Loan Servicing Reinstatement Calculation to Country Wide Home Loans (AEA/Lowe Bates Nos. 00672-675)		
124.	Collection Fax to Lowe from Chambless & Math - Gold's Gym (AEA/Lowe Bates No. 00677)		
125.	Any document or thing identified by Defendants		
126.	Any document or thing needed for impeachment		
127.	Any document or thing needed for rebuttal		
128.	Any document or thing needed to rehabilitate a witness		
129.	Any document or thing needed to refresh the recollection of a witness		
130.	Any document or thing used by Defendants for rebuttal purposes		

131.	Any document or thing used by Defendants for impeachment purposes		
132.	Defendants' Responses to Plaintiff's Interrogatories		
133.	Defendants' Responses to Plaintiffs' Request for Production		

/s/ William F. Patty

WILLIAM F. PATTY (PAT038)
Attorney for Plaintiff Melvin Lowe

OF COUNSEL:

BEERS, ANDERSON, JACKSON,
PATTY & VAN HEEST, P.C.
P.O. Box 1988
Montgomery, AL 36102-1988
334-834-5311 (phone)
334-834-5362 (fax)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing PLAINTIFF'S WITNESS LIST, was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

James R. Seale, Esq.
HILL, HILL, CARTER, FRANCO, COLE & BLACK
P. O. Box 116
Montgomery, AL 36101-0116

on this the 28th day of June, 2006.

/s/ William F. Patty

OF COUNSEL